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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,663	04/04/2002	Toshikazu Yoshida	19770.0009/P009	6278
7590	08/11/2004		EXAMINER	
Mark J Thronson Dickstein Shapiro Morin & Oshinsky 2101 L Street NW Washington, DC 20037-1526				BROCKETTI, JULIE K
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/890,663	YOSHIDA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Julie K Brockett	3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 20 May 2004.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 3-8, 18-20, 24, 30, 31 and 45-61 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 3-8, 18-20, 24, 30, 31 and 45-61 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>08022001</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of Claims 3-8, 18-20, 24, 30 and 31 in the reply filed on May 20, 2004 is acknowledged.

***Claim Objections***

Claim 47 is objected to because of the following informalities: The word "case" should be "card" and the phrase "...or one of edges of the..." should be "...or one of the edges of the..."

Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 3-8, 20, 24, 45-47, 51, 52 and 55-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys et al., U.S. Patent No. 6,460,848 B1 in view of Soules et al., U.S. Patent No. 5,169,155.** Soltys et al. discloses a card for use with a card stack reader (See Soltys Figs. 4 & 5).

The reader includes a card stack insertion inlet from which a stack of cards is inserted (See Soltys Fig. 4). Each card has a read code along a peripheral side edge (See Soltys Fig. 5). The read code identifies the card (See Soltys col. 7 lines 42-47). A card holder holds the stack of cards in an aligned condition (See Soltys Fig. 4). An imaging unit receives the reflection light from the peripheral edge portion of the stack and generates an image signal indicating the read code of each card based on the received reflection light (See Soltys col. 7 lines 47-53). The read code is recorded along the peripheral side edge of the card, the read code identifies the card and when the peripheral side edge of the card is captured by the CCD camera the read code is generated (See Soltys Fig. 5; col. 6 lines 45-67; col. 7 lines 9-14) [claim 3]. The code is printed to a portion of the card adjacent to the peripheral side of the card and the code is recorded on the card (See Soltys Fig. 5) [claim 55]. The code includes a data for identifying the card and the code is recorded on the card (See Soltys col. 10 lines 16-20) [claim 56]. The read code recorded to the card includes guide bits (See Soltys col. 6 lines 55-67) [claims 8, 61]. The read code at the peripheral side edge of the card has a data pitch for encoding that varies depending on the kind of the card (See Soltys col. 11 lines 13-23) [claims 20, 51]. Soltys further discloses a card for use with a game machine in which a stack of cards containing the card, is inserted into the game machine, and a card game is played with the game machine based on game data read from the stack of cards (See Soltys Fig. 4). The game machine includes a code reader with

generates an image signal indicating codes of a peripheral side of the stack of cards (See Soltys col. 2 lines 23-26). A peripheral side contains a position corresponding to the portion of the peripheral side of the stack of cards read by the code reader of the game machine (See Soltys Fig. 4) [claim 45]. The code of the card is arranged along either a center of the peripheral side of the card or one of the edges of the peripheral side of the card and the code is arranged partially in a direction of a thickness of the card (See Soltys Fig. 5) [claim 47]. Soltys lacks in irradiating the cards with light.

Soules teaches of a light irradiation unit which irradiates a portion of the stack of cards, held by the card holder, with light so that a reflection light indicating the read code of each card is generated (See Soules col. 8 lines 12-17; col. 10 lines 35-38) [claims 3, 45, 46]. The read code is recorded to the card with a fluorescent material that is colorless under visible light (See Soules col. 8 lines 30-37) [claims 4, 46, 57]. The read code is recorded to the card with a plurality of fluorescent materials that generate different color light rays by the irradiation with light (See Soules col. 8 lines 12-37; col. 9 lines 43-54) [claims 5, 46, 58]. The read code is recorded with a fluorescent material that generates an infrared light ray by the irradiation with light (See Soules col. 8 lines 30-37) [claims 6, 59]. The read code is recorded to the card with a fluorescent material that generates a light ray having a wavelength longer than a wavelength of a blue light, by the irradiation with light (See Soules col. 9 lines 42-48; col. 10 lines 35-38) [claims 7, 60]. The read code is recorded to the card

with a light storage material (See Soules col. 10 lines 60-66) [claims 24, 52]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the various fluorescent material to record the read codes on the cards and then have it read by irradiated light. Soltys states that it is advantageous to use ink that is not typically visible to humans such as ink that is only visible in the infrared portion of the electromagnetic spectrum (See Soltys col. 7 lines 19-28). Therefore it would have been obvious to implement the cards with fluorescent codes in Soules into the invention of Soltys. By using the encoding and reading capabilities of Soules the ink would be invisible thereby making the bar code symbols difficult to detect and read which makes the cards unobtrusive to the players.

**Claims 18, 19, 30, 31, 48-50, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soltys et al., in view of Soules et al., in further view of Cuff et al., U.S. Patent No. 4,534,562.** Soltys and Soules lack in disclosing reading a front and back of the card. Cuff teaches of a card that is configured such that the read code at the peripheral side edge of the card read by the card stack reader from one direction of the card is different from the read code by the card stack reader from another direction of the card. Therefore the direction the card is placed is detected by the game machine (See Cuff Fig. 1; col. 4 lines 36-47) [claims 19, 49, 50]. Cuff further teaches that the read code includes data bits each indicating a binary value of the read code (See Cuff col. 3 lines 50-60). One of the bits indicates the direction of the card

and edge bits are used indicating respective positions of a start and an end of the code (See Cuff Fig. 1) [claim 30, 53]. Each of the data bits, the direction bit and the edge bits has a predetermined width along the peripheral side edge of the card (See Cuff Fig. 1) [claim 31, 54]. Therefore the card has two sides where different codes are provided and a plurality of different read codes are provided at the peripheral side edge of the card (See Cuff Fig. 1) [claims 18, 48]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to read different codes from the front or back surface of a card. By reading codes from different card directions, the reader can determine whether or not the card is facing the correct direction and regardless of which direction the card was input to the reader, the cards identity is determined. It is also obvious to have bits that help the reader determine the start and end of the code. These types of starting/ending bits are well known throughout the art. They are used so as to ensure that the complete codes are being read from by the reader; consequently, all of the significant code bits are being read.

#### ***Citation of Relevant Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Hill, U.S. Patent No. 6,039,650.

--Hill discloses a card dispensing shoe that scans the cards as they are dealt thereby detecting the value and suit of the card.

2. Lawrence, UK Patent Application GB 2 252 916 A.

--Lawrence discloses an apparatus for sorting cards by reading a code on the edge of the card.

**Conclusion**

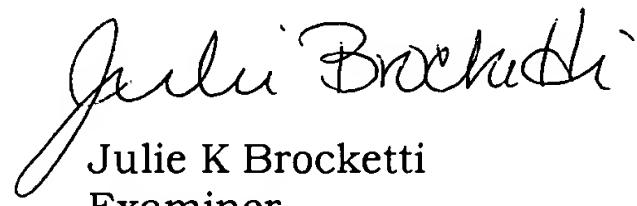
If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP § 707.05(a) that a copy of the cited reference will be automatically furnished without charge does not apply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Brockett whose telephone

number is 703-308-7306. The examiner can normally be reached on M-Th 7:30-5:00.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Julie K. Brockett  
Examiner  
Art Unit 3713